

**DECISION
HISTORIC CONSERVATION BOARD
CITY OF CINCINNATI
DATE OF DECISION: DECEMBER 21, 2015**

APPLICANT: PLATTE ARCHITECTURE AND DESIGN

CASE TYPE: CERTIFICATE OF APPROPRIATENESS

PROPERTY: 1332 REPUBLIC STREET

APPLICABLE GUIDELINES: OVER-THE-RHINE HISTORIC DISTRICT

SUMMARY OF REQUEST:

The Applicant requests a Certificate of Appropriateness to rehabilitate a non-contributing structure, construct a partial second-story addition, and install an exterior roof terrace.

SUMMARY OF DECISION:

The Certificate of Appropriateness is **APPROVED WITH CONDITIONS**.

PUBLIC HEARING:

A hearing was held before the Historic Conservation Board ("Board") on December 21, 2015 at 3:00 p.m. Prior notice of the time and place of the hearing was mailed to the Applicant and all persons entitled to receive notice and published in *The City Bulletin*. A majority of the Board's members were present throughout the hearing, constituting a quorum pursuant to Section 5 of the Board's Rules of Procedure.

A recording of the hearing was made and is available for review and transcription from the Historic Conservation Office.

THE RECORD:

1. Certificate of Appropriateness Application (1 Page)
2. Project Description Letter (2 Pages)
3. Owner Permission Letter (1 Page)
4. Construction Drawings dated September 10, 2015 (14 Pages)
5. Staff Report dated October 26, 2015 (3 Pages)
6. Photographs taken by Urban Conservator (3 Photos)
7. Hamilton County Auditor Ownership Information (2 Pages)
8. Hearing Sign-in Sheet dated 10/26/2015 (3 Pages)
9. Owner Support Letter dated December 10, 2015 (1 Page)
10. Revised Submission Letter dated December 11, 2015 (1 Page)
11. Construction Drawings dated December 11, 2015 (19 Pages)

12. Staff Report dated December 21, 2015 (3 Pages)
13. Opposition letters and e-mails: Republic Street Block Club; John Hueber; Over-the-Rhine Community Housing; Jill Hider; Renee Wenstrup; Bonnie Neumeier; and, Michael Flood (11 Pages)
14. Minutes and sign-in sheet from the Crown & Key neighborhood meeting (6 Pages)

FINDINGS OF FACT:

Based on the report and recommendations of historic staff, the evidence submitted by the Applicant and other concerned persons, and testimony presented at the hearing, the Board makes the following findings of fact and conclusions of law:

1. This matter concerns the real property commonly known as 1332 Republic Street and more particularly identified as Hamilton County Auditor's Parcel No. 081-0004-0177-00 ("Property").
2. The Property is located on the southeast corner of Republic and West Fourteenth Streets in a Commercial Zoning District ("CC-P") in the Over-the-Rhine Historic District ("District").
3. David Le is the owner ("Owner").
4. On September 14, 2015, Platte Architecture and Design ("Applicant") applied for a certificate of appropriateness on behalf of the Owner.
5. The Property contains a single-story garage-type structure ("Structure") that is identified as item number one hundred and forty-four on the District's Non-Contributing Resource List.
6. The Applicant proposes to rehabilitate the Structure and construct a partial second-story addition that transitions into an eight hundred and seventy-five square foot exterior rooftop terrace to be used as a drinking establishment.
7. The Applicant appeared before the Board on October 26, 2015 to present its proposal, which is depicted and more particularly detailed in the construction drawings submitted by Platte Architecture and Design and dated September 10, 2015.
8. The Urban Conservator provided her professional opinion at the October hearing that the proposed materials and exterior alterations largely conform to the Over-the-Rhine Historic Guidelines, but stated that staff had issues with the visibility of the roof terrace guardrail, which she suggested should be setback from the parapet wall to make the terrace less visible.
9. Several members of the neighborhood attended the October Hearing to express their general concerns about the proposed use of the Structure as a drinking establishment.
10. A motion to adopt the October 26, 2015 staff report and recommendation was presented by Board member Herb Weiss, but a tie vote defeated the motion. Mr. Weiss presented a

subsequent motion to table the application to allow the Applicant additional time to conduct meetings with staff and the community.

11. The Applicant submitted a revised project proposal on December 11, 2015 and presented its revised proposal to the Board on December 21, 2015. The revised proposal is depicted and more particularly detailed in the construction drawings submitted by Platte Architecture and Design and dated December 11, 2015.
12. Kirk Platte, representative for the Applicant, testified at the December hearing that modifications to the application included sound dampening material on the ceiling of the rooftop addition, an additional bay to support a retractable sound dampening canopy, and relocation of the terrace guardrail from the edge of the parapet wall.
13. Mr. Platte further testified that the application did not seek zoning relief because the proposed use is permissible by right in the zoning district, and the Board's scope of review, he asserted, concerned the certificate of appropriateness associated with the proposed outdoor terrace.
14. Mr. Platte testified that the Owner voluntarily agreed to restrict the operating hours of the rooftop bar to 11 p.m., Sunday through Thursday, and to restrict the number of rooftop patrons to sixty-five, with a maximum occupancy of seventy individuals, including staff.
15. A number of speakers in favor of the project testified to the Owner's willingness to work with the community and the positive economic impacts presented by the project.
16. Several speakers against the project testified generally that the proposed use will adversely affect the character of the neighborhood. The opponents asserted that Republic Street is largely residential in nature irrespective of the official zoning classification; the outdoor use is inappropriate for the location due to the close proximity of residential dwellings; and Eric Hammer, Republic Street resident, testified that he was concerned that the roof terrace would be "highly visible" from the right-of-way.

CONCLUSIONS OF LAW:

1. City Administrative Code Article XXX, Section 4 establishes the Historic Conservation Board and empowers the Board to evaluate certificates of appropriateness, as required by ordinance. Cincinnati Zoning Code ("CZC") Section 1435-09 sets forth the procedure under which the Board is to consider certificate of appropriateness applications.
2. CZC Section 1435-09-2 authorizes the Board to approve certificates of appropriateness upon a determination that an applicant has presented credible evidence that demonstrates substantial conformance to the applicable historic district guidelines.
3. The Applicant provided credible evidence to demonstrate that its project substantially conforms to the District's Guidelines for rehabilitations, additions, and site improvements. Accordingly, the Board approves the certificate of appropriateness application.

REHABILITATION

4. The Over-the-Rhine Historic Guidelines (“Guidelines”) recognize that the District includes structures that do not contribute to the character of the District as an urban, nineteenth-century neighborhood, but the Guidelines establish that “it is preferable to rehabilitate and reuse a non-contributing building than to have a vacant parcel or parking lot.”¹
5. Non-contributing structures must comply with the same general and specific criteria that direct the evaluation of contributing structures because the Guidelines seek to provide a framework for maintaining the basic architectural character of a structure so that proposed alterations are compatible with its original architectural character.²
6. The proposed rehabilitation substantially conforms to the Guidelines because the overhead glass doors are an improvement to the existing overhead metal doors, the modified window openings provide a vertical element to the Structure, and the replacement windows and doors are materials that are compatible to the District’s standards.

ADDITION

7. Additions to non-contributing buildings should generally comply with those guidelines that are applicable for proposed additions to contributing structures. Specifically, the addition should be designed to relate architecturally to adjacent buildings and to the building that it is a part.³
8. The Applicant demonstrated that the addition substantially conforms to the Guidelines because the design relates architecturally to the original structure through its materials, detailing, and alignment. The design is sympathetic to the existing masonry structure because of its simple design and the simple materials mimic the character and color of existing materials without imitating them. Additionally, the addition’s location is aligned within the existing structural footprint and set back from the primary Republic Street façade.

SITE IMPROVEMENTS

9. The Guidelines establish that site improvements like a rooftop terrace, should respond to the colors, textures, and materials found in the area of the improvement, and it should not be highly visible from the principal façade.⁴
10. The rooftop terrace responds to the colors, textures, and materials found in the area because, as stated by the Urban Conservator, the proposed materials are commonly used in the District. The terrace is visible from the right-of-way because of its location and the height of

¹ City of Cincinnati Ordinance No. 195-2003. June 18, 2003.

² *Id.*

³ *Id.*

⁴ *Id.*

the Structure, but at the request of the Urban Conservator, the Applicant set back the guardrail from the parapet wall to slightly diminish its visibility.

11. After considering the recommendation of the Urban Conservator and the evidence and testimony provided in connection with this matter, upon motion duly made and seconded, a majority of the Board members present found that the Applicant had presented sufficient evidence to meet its burden to demonstrate that its proposal substantially conforms to the District Guidelines; therefore, the Certificate of Appropriateness was **APPROVED** based upon the construction drawings, submitted by Platte Architecture and Design, dated 12/11/2015 with the following **CONDITIONS**:

- a. **No outdoor entertainment, including the use of audio/ visual equipment or amplified sound, shall be permitted on the rooftop.**
- b. **The rooftop terrace may be no greater than 35% of the total indoor surface area.**
- c. **Indoor entertainment shall not be discernibly audible outside of the establishment, including when garage doors are open.**
- d. **Signage has not been approved as a part of this proposal.**
- e. **The Owner must install retractable canvas canopy over two bays of the rooftop bar, as depicted on sheet A7.02.**
- f. **Installation of sound treatments on the underside of the roof (absorbing materials and sound killers).**
- g. **The rooftop area shall close at 11 p.m. Sunday-Thursday.**
- h. **Maximum occupancy of the rooftop shall be no greater than 70 people, staff included.**
- i. **Installation of seasonal plastic enclosures is prohibited.**

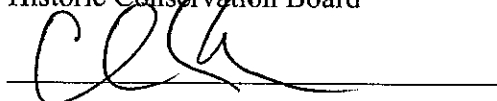
12. The following is a record of the vote:

<u>Affirmative</u>	<u>Negative</u>	<u>Absent</u>
Mr. Kulkarni	Mrs. Spraul-Schmidt	
Mr. Voss	Mr. Weiss	
Mr. Sundermann		
Mr. Burson		

MADE this 21st day of December, 2015:



Michael Burson, Chair
Historic Conservation Board



Charles Martinez, Legal Assistant
Historic Conservation Board

APPEALS:

This decision may be appealed to the Zoning Board of Appeals under Chapters 1435 and 1449 of the Zoning Code. Appeals must be filed within thirty days of the date of the mailing of this decision.

TRANSMITTED this 11 day of January ²⁰¹⁴2015, by certified mail to:

Platte Architecture and Design
202 West Elder, 4th Floor
Cincinnati, Ohio 45202

TRANSMITTED this 11 day of January ²⁰¹⁶2015 by interdepartmental mail to:

Angie Strunc
Department of Buildings and Inspections
805 Central Avenue, 5th Floor
Cincinnati, Ohio 45202